

JOURNAL OF THE SENATE [June 16, 1976]

STATE OF WISCONSIN

Senate Journal

Eighty-Second Regular Session

WEDNESDAY, June 16, 1976.

9:30 A.M.

The senate met.

The senate was called to order by the president of the senate.

Prayer was offered by Reverend Daniel Olson, Associate Minister of Bethany United Methodist Church of Madison.

The senate remained standing and Senator Knowles led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno and Thompson -- 32.

Absent -- None.

Absent with leave -- None.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Senate Bill 844

Relating to correction of election occurrences listings (Revisor's Correction Bill).

Passage; Ayes, 5; Noes, 0.

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Senate Bill 845

An act to amend various provisions of the statutes for the purpose of correcting errors, clarifying language and eliminating distinctions based upon sex as directed by section 13.93 (l) (m) of the statutes (Revisor's Correction Bill).

Passage; Ayes, 5; Noes, 0.

Senate Bill 846

An act to repeal, renumber, renumber and amend, amend, reenact and create various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions and reconciling conflicts (Revisor's Correction Bill).

Passage; Ayes, 5; Noes, 0.

FRED A. RISSER

Chairman

The committee on Governmental and Veterans Affairs reports and recommends:

BOYKOFF, THOMAS, of Madison, as a member of the Architects, Engineers, Designers and Land Surveyors Examining Board, to serve for the term ending July 1, 1978.

Confirmation; Ayes, 5; Noes, 0.

KRAJEWSKI, THOMAS G., of Waunakee, as a member of the Board of Veterans' Affairs, to succeed Charles Kuder, to serve for the term ending May 1, 1977.

Confirmation; Ayes, 3; Noes, 2.

MONROE SWAN

Chairman

The committee on Commerce reports and recommends:

FULLER, JOHN W., of Madison, as a member of the Highway Commission, to succeed Rebecca Young, resigned, to serve for the term ending March 1, 1979.

Confirmation; Ayes, 8; Noes, 1.

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GATES, GARY I., of Madison, as a member of the State Investment Board, to succeed C. M. Sullivan, to serve for the term ending May 1, 1977.

Confirmation; Ayes, 9; Noes, 0.

RONALD G. PARYS

Chairman

The committee on Education reports and recommends:

GROVER, HERBERT J., of Niagara, as a member of the University of Wisconsin System Board of Regents, to succeed James Solberg, to serve for the term ending May 1, 1983.

Confirmation; Ayes, 4; Noes, 0.

BRUCE S. PELOQUIN

Chairman

EXECUTIVE COMMUNICATIONS

WHITCOMB, OTIS A., of Hales Corners, as a member of the Hearing Aid Dealers and Fitters Examining Board, to succeed himself, to serve for the term ending July 1, 1981.

Read.

BREKKE, HAROLD S., of Stoughton, as a member of the Funeral Directors and Embalmers Examining Board, to serve for the term ending July 1, 1978.

Read.

GATES, GARY I., of Madison, as a member of the State Investment Board, to succeed C. M. Sullivan, to serve for the term ending May 1, 1977.

Read.

By request of Senator Bablitch, with unanimous consent, the above appointments were considered enmasse.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno and Thompson -- 30.

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Noes -- None.

Absent or not voting -- Senators Keppler and Murphy -- 2.

So the appointments were confirmed.

GROVER, HERBERT J., of Niagara, as a member of the University of Wisconsin System Board of Regents, to succeed James Solberg, to serve for the term ending May 1, 1983.

Read.

The question was: Confirmation?

The ayes and noes were required and the vote was: ayes, 30; noes, 2; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Petri, Risser, Swan, Theno and Thompson -- 30.

Noes -- Senators Murphy and Sensenbrenner -- 2.

Absent or not voting -- None.

So the appointment was confirmed.

By request of Senators Bablitch and Krueger, pursuant to senate rule 76, a 2 minute limit was placed on debate for each member on every question.

FULLER, JOHN W., of Madison, as a member of the Highway Commission, to succeed Rebecca Young, resigned, to serve for the term ending March 1, 1979.

Read.

The ayes and noes were required and the vote was: ayes, 26; noes, 6; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, Lorge, McKenna, Martin, Maurer, Morrison, Parys, Peloquin, Risser, Swan and Thompson -- 26.

Noes -- Senators Chilsen, LaFave, Murphy, Petri, Sensenbrenner and Theno -- 6.

Absent or not voting -- None.

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So the appointment was confirmed.

MESSAGE FROM THE ASSEMBLY

By Everett E. Bolle, chief clerk.

Mr. President:

I am directed to inform you that the assembly has passed notwithstanding the objections of the Governor:

Assembly Bill 925, partial veto

Assembly Bill 355

Section 3; Sections 1 and 4

Concurred in notwithstanding the objections of the Governor:

Senate Bill 755

Sections 20.250, Section 150 (23), 150 (36) (e) and 39.155

Section 46.21

Sections 121.91 and 151 (27) (d)

Section 145 h (15)

Refused to Concur in notwithstanding the objections of the Governor:

Senate Bill 69

Senate Bill 126

Section 6 and 115.995

Senate Bill 139

Line-vetoed portions of Sec. 949.08 (3)

Senate Bill 198

Senate Bill 755

Section 13.53

Section 14.22

Section 17.20

Section 20.255 (1) (dm)

Senator Kleczka in the chair.

10:20 A.M.

CALENDAR OF JUNE 16

Assembly Bill 163

Relating to a revision of procedure concerning contested cases under the administrative procedure act.

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The question was: Shall the bill be concurred in notwithstanding the objection of the Governor?

The ayes and noes were required and the vote was: ayes, 23; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Berger, Chilsen, Cullen, Devitt, Dorman, Flynn, Harnisch, Hollander, Keppler, Knowles, Krueger, Lorge, McKenna, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Sensenbrenner, Swan and Theno -- 23.

Noes -- Senators Bidwell, Frank, Goyke, Kleczka, Knutson, Martin, Risser and Thompson -- 8.

Absent or not voting -- Senator LaFave -- 1.

More than two-thirds having voted in the affirmative the bill was concurred in notwithstanding the objections of the Governor.

President of the senate in the chair.

10:30 A.M.

Assembly Bill 568

Relating to awarding of costs and fees if an action, special proceeding, cross complaint or counterclaim is determined to be frivolous.

The question was: Shall the bill be concurred in notwithstanding the objection of the Governor?

The ayes and noes were required and the vote was: ayes, 19; noes, 13; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Devitt, Frank, Hollander, Keppler, Kleczka, Knowles, Krueger, LaFave, Morrison, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno - - 19.

Noes -- Senators Bablitch, Dorman, Flynn, Goyke, Harnisch, Knutson, Lorge, McKenna, Martin, Maurer, Peloquin, Risser and Thompson -- 13.

Absent or not voting -- None.

Less than two-thirds having voted in the affirmative, the senate refused to concur in the bill notwithstanding the objections of the Governor.

Assembly Bill 854

Relating to operators' licenses for epileptics.

The question was: Shall the bill be concurred in notwithstanding the objection of the Governor?

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The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Swan, Theno and Thompson -- 28.

Noes -- Senators Bablitch, Kleczka, Risser and Sensenbrenner -
- 4.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative the bill was concurred in notwithstanding the objections of the Governor.

Assembly Bill 1057

Relating to increasing appropriations for public library systems.

The question was: Shall the bill be concurred in notwithstanding the objection of the Governor?

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin, Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Risser, Sensenbrenner, Swan, Theno and Thompson -- 32.

Noes -- None.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative the bill was concurred in notwithstanding the objections of the Governor.

Assembly Bill 1215

Relating to the registration of reconstructed and homemade motor vehicles.

The question was: Shall the bill be concurred in notwithstanding the objections of the Governor?

The ayes and noes were required and the vote was: ayes, 29; noes, 3; absent or not voting, 0; as follows:

Ayes -- Senators Berger, Bidwell, Chilsen, Cullen, Devitt, Dorman, Flynn, Frank, Goyke, Harnisch, Hollander, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, McKenna, Martin,

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Maurer, Morrison, Murphy, Parys, Peloquin, Petri, Sensenbrenner, Swan, Theno and Thompson -- 29.

Noes -- Senators Bablitch, Kleczka and Risser -- 3.

Absent or not voting -- None.

More than two-thirds having voted in the affirmative the bill was concurred in notwithstanding the objections of the Governor.

LEAVE OF ABSENCE

By request of Senator Flynn, with unanimous consent, he was granted a leave of absence at 11:30 A.M. for 20 minutes.

Assembly Bill 1277

Relating to establishing a priority system for removal of nonconforming outdoor advertising and granting rule-making authority.

The question was: Shall the bill be concurred in notwithstanding the objection of the Governor?

The ayes and noes were required and the vote was: ayes, 23; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Bidwell, Chilsen, Devitt, Frank, Goyke, Harnisch, Hollander, Keppler, Kleczka, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Maurer, Morrison, Murphy, Parys, Petri, Sensenbrenner, Swan and Theno -- 23.

Noes -- Senators Bablitch, Berger, Cullen, Dorman, McKenna, Peloquin, Risser and Thompson -- 8.

Absent or not voting -- Senator Flynn -- 1.

More than two-thirds having voted in the affirmative the bill was concurred in notwithstanding the objections of the Governor.

Senate Bill 844

Relating to correction of election occurrences listings (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 844

Read a third time and passed.

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Senate Bill 845

An act to amend various provisions of the statutes for the purpose of correcting errors, clarifying language and eliminating distinctions based upon sex as directed by section 13.93 (l) (m) of the statutes (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 845

Read a third time and passed.

Senate Bill 846

An act to repeal, renumber, renumber and amend, amend, reenact and create various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting and clarifying references, renumbering for better location and arrangement, eliminating unnecessary and obsolete provisions and reconciling conflicts (Revisor's Correction Bill).

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 846

Read a third time and passed.

By request of Senator Bablitch with unanimous consent, the Senate returned to the fourth order of business.

COMMITTEE REPORTS

The committee on Agriculture, Human Services, Labor and Taxation reports and recommends:

FREEDMAN, DR. ALBERT L., of DePere, as a member of the Medical Examining Board, to succeed himself, to serve for the term ending May 1, 1979.

Confirmation; Ayes, 9; Noes, 0.

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TAYLOR, JONATHAN, of Waukesha, as a member of the Nursing Home Administrator Examining Board, to succeed Orrin Learman, resigned, to serve for the term ending July 1, 1977.

Confirmation; Ayes, 9; Noes, 0.

BRUNKAN, RICHARD J., of Hartland, as a member of the Psychology Examining Board, to succeed Samuel Friedman, to serve for the term ending July 1, 1978.

Confirmation; Ayes, 9; Noes, 0.

HENNEY, DR. THOMAS E., of Portage, as a member of the Medical Examining Board, to succeed himself, to serve for the term ending May 1, 1979.

Confirmation; Ayes, 9; Noes, 0.

SMITH, RUTH L., of Kenosha, as a member of the Board of Nursing, to serve for the term ending May 1, 1977.

Confirmation; Ayes, 9; Noes, 0.

HOORNSTRA, CHARLES D., of Madison, as a member of the Wisconsin Employment Relations Commission, to succeed Howard Bellman, to serve for the term ending March 1, 1979.

Confirmation; Ayes, 9; Noes, 0.

STULKEN, DR. DONALD C., of Viroqua, as a member of the Optometry Examining Board, to succeed Dr. A. L. Lindell, to serve for the term ending July 1, 1980.

Confirmation; Ayes, 9; Noes, 0.

PAYNTER, RUTH E., of Madison, as a member of the Nursing Home Administrator Examining Board, to succeed William Blockstein, to serve for the term ending March 1, 1978.

Confirmation; Ayes, 9; Noes, 0.

CARL W. THOMPSON

Chairman

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By request of Senator Bablitch, with unanimous consent all actions were ordered immediately messaged.

STATEMENT OF POSITION

The Journal showed that had Senator Flynn been present he would have voted "no" on the question of overriding the Governor's veto on Senate Bill 1277.

Upon motion of Senator Bablitch the senate recessed subject to the call of the chair.

11:34 A.M.